

ESTTA Tracking number: **ESTTA725031**

Filing date: **02/04/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92062843
Party	Plaintiff HostGator.com, LLC
Correspondence Address	LINDSAY M RODMAN COWAN LIEBOWITZ & LATMAN PC 1133 AVENUE OF THE AMERICAS NEW YORK, NY 10036 UNITED STATES trademark@cll.com, lmr@cll.com, rje@ccl.com, mlk@ccl.com
Submission	Motion for Default Judgment
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Signature	/Robert J. English/
Date	02/04/2016
Attachments	GEEK GATOR - Motion for Default.pdf(5787 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Registration No. 4,101,505  
Registration Issued: February 21, 2012  
For Mark: GEEK GATOR and Design

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HOSTGATOR.COM, LLC, :  
Petitioner, :  
v. : Cancellation No. 92062843  
GEEK GATOR LLC, :  
Registrant. :  
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Commissioner for Trademarks  
Attn: Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**MOTION FOR DEFAULT JUDGMENT**

**MOTION**

Pursuant to Trademark Rule 2.106(a), Petitioner hereby moves for a default judgment in this proceeding because Registrant has failed to file a timely answer. In the alternative, should this proceeding be reopened, Petitioner requests that the discovery and trial periods be reset.

**MEMORANDUM**

Petitioner's motion for default judgment should be granted because Registrant has failed to submit an answer to the Petition for Cancellation. The order instituting this cancellation proceeding was mailed by the Board on December 17, 2015. As the answer was due January 26, 2016 and no answer has been filed or received, and no good cause shown, a default judgment should be entered.

In the event, however, that this proceeding is reopened, Petitioner requests that the discovery and trial periods be reset.

Dated: New York, New York  
February 4, 2016

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.  
Attorneys for Petitioner

By: /Robert J. English/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on February 4, 2016, I caused a copy of the foregoing MOTION FOR DEFAULT JUDGMENT to be sent via First Class Mail, postage paid, to Registrant and Correspondent of Record, Geek Gator LLC, P.O. Box 1014, Peralta, New Mexico 87042.

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/Robert J. English/  
Robert J. English